

This document has been redacted for Public Interest Immunity claims made by Victoria Police. These claims are not yet resolved.

Revised 05/13

VP Form 1028

ISSUE COVER SHEET

File No:

Issue:

Example Three Legal Conflict Report, Registered Human Source #21803838 (HS 3838) – Establish if there is any legal conflict issues arising from HS 3838's relationship with Rabie KARAM relevant to operations AGAMAS and INCA.

Background:

Operation Bendigo Investigation Group was established in June 2014 to review five legal conflict examples identified by the Operation Bendigo Steering Committee and to establish if there is any possible legal conflict issues arising from the information received from HS 3838.

Example Three relates to HS 3838's relationship both professional and personal with KARAM whilst he was being investigated for Operations AGAMAS and INCA. On several occasions HS 3838 acted as a conduit between KARAM and his criminal associates by being the care taker of documents relating to illegal drug importations. HS 3838 would read the documents and copy them before passing the information onto police.

Example Three has been reviewed by the Investigation Group and a final report on the findings has been completed by D/S/C Adam Foley and is attached with supporting documentation.

Operation Bendigo Investigation Group has conducted an investigation of Example Three by reviewing Op Loricated holdings, handlers and investigators diaries, archived briefs, investigation notes, court records, LEAP and Interpose records as well as speaking with investigators who had involvement in Op Posse and Op Magnum.

Comment:

During the period HS 3838 was providing police with information of KARAM's drug importation activities she was also representing him on separate drug importation charges. Therefore on the face of it HS 3838 appears to breach LPP by providing KARAM's documents to police.

In this scenario if the dominant purpose test is applied it could be said that the dominant purpose was not for legal advice but for facilitating further criminal activity therefore the communication would be exempt from LPP. This issue would require expert legal advice to further explore LPP in this situation.

As can be seen from the attached report from D/S/C Foley the Australian Federal Police (AFP) were the prosecuting agency for KARAM's importation charges arising out of information provided by HS 3838. Operations AGAMAS and INCA were complex drawn out investigations with the AFP utilising numerous covert investigation techniques [REDACTED] to apprehend KARAM. D/S/C Foley's report also refers to Victoria Police providing the information to Customs in order protect HS 3838's identity. It is for these reasons that it is difficult to quantify the value of the information provided by HS 3838. However it is clear AFP already had KARAM as a person of interest prior to HS 3838 providing information and it can reasonably be expected that the AFP would've been successful with their investigation without the assistance of HS 3838.

Recommendation:

1. For expert legal opinion to further advise on any LPP breach.
2. For attention of the Operation Bendigo Steering Committee.